



DAC/375311

Docket No.: 9323.055.00-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Boris Atlas

SERIAL NO: 09/828,029

FILING DATE: April 6, 2001

FOR: MULTI-CHANNEL TEMPERATURE CONTROL SYSTEM FOR
SEMICONDUCTOR PROCESSING FACILITIES

PETITION TO SUSPEND THE RULES UNDER 37 C.F.R. § 1.183

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant hereby requests that the Director suspend the requirement under 37 C.F.R. 1.48(a)(2) which states that an inventor being deleted from an application provide a Statement that the error in inventorship occurred without deceptive intent on his part. As noted in the attached Declaration of Anthony Josephson, the currently named inventor, In-Kwon Jeong, refuses to acknowledge and/or sign the Statement required under 37 C.F.R. § 1.48(a)(1).

In addition to the Declaration, Applicant encloses herewith a copy of all submissions required under 37 C.F.R. § 1.48(a), but for the Statement from Mr. In-Kwon Jeong. The submissions include:

1)

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09/22/2005 BABRAHA1 00000011 500911 09828029
01 FC:1462 400.00 DA

Boris Atlas is the true inventor. The error was made without deceptive intent on either In-Kwon Jeong's or Boris Atlas' part. Accordingly, the Applicant requests that In-Kwon Jeong be deleted as the inventor and Boris Atlas, the true inventor, be added.

The Applicant also submits herewith the necessary fee set forth in 37 C.F.R. § 1.17(h). In addition, any other fees required to complete the filing of this petition, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: September 20, 2005

Respectfully submitted,

By 
for: Mark R. Kresloff
Registration No.: 42,766
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant

Anthony Josephson
Reg. No. 45,742



Docket No.: 9323.055.00-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Boris Atlas

SERIAL NO: 09/828,029

FILING DATE: April 6, 2001

FOR: MULTI-CHANNEL TEMPERATURE CONTROL SYSTEM FOR
SEMICONDUCTOR PROCESSING FACILITIES

DECLARATION OF ANTHONY JOSEPHSON

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Anthony Josephson, hereby declare the following:

1. The present application was filed on April 6, 2001, by the law firm of Wilson & Ham, with a Declaration and Power of Attorney executed by In-Kwon Jeong. The Declaration indicated that In-Kwon Jeong was the sole inventor. The application was filled with an assignment which identified the assignee as Oriol Inc.
2. The present application was transferred to our law firm on or about April 14, 2004.
3. On or about December 6, 2004, representatives of Oriol Inc. informed me that In-Kwon Jeong was not the actual inventor for the present application. I was informed that Boris Atlas was instead the correct and sole inventor.
4. In-Kwon Jeong's present address is 10697 Rosewood Rd., Cupertino, Ca. 95014-6028. His phone number is (408) 257-5720.
5. On February 10, 2005, I mailed a letter, via certified mail, to Mr. Jeong. Attached hereto is a copy of the letter. *Tab A*. In the letter, I explained to Mr. Jeong that he was accidentally named as an inventor in the present application. In addition, I requested that he review and sign a document entitled "Statement of In-Kwon Jeong Under 37 C.F.R. § 1.48(a)." Mr. Jeong did not respond. Unfortunately, we never received the certified mail, return receipt. However, according to the U.S. Postal Service's website, the letter was delivered on February 17, 2005. *Tab B*.
6. On March 18, 2005, I spoke with Mr. Jeong on the telephone. During the conversation, I identified the present application to him, and I explained why Mr. Atlas was the inventor and he was not. Furthermore, I asked Mr. Jeong if he would sign the statement. Mr. Jeong said that he did not want to sign anything without first speaking to his attorney. I encouraged him to do so; however, I also told Mr. Jeong that I was going to mail him another copy of the statement, along with a return

envelope. During the telephone conversation, I also verified that the above-identified address for Mr. Jeong was correct.

7. On March 18, 2005, we mailed to Mr. Jeong, via Federal Express, another copy of the statement. *Tab C*. Federal Express returned the package to my office indicating that they could not deliver it. Unfortunately, I do not have a copy of the return receipt from Federal Express.
8. On April 22, 2003, we mailed yet another letter to Mr. Jeong, via certified mail. *Tab D*. In this letter, we indicated to Mr. Jeong that we had not received signed copies of the statement. We also explained that if we did not receive the statement by May 6, 2005, we planned on proceeding with the prosecution of the present application without his assistance based on the assumption that he is refusing to sign the Statement. The letter was delivered on April 26, 2005 to a Minjeong Lee, as evidenced by the return receipt. See *Tab E*.
9. As of the date of this Declaration, Mr. Jeong has refused to respond to any of our requests.
10. I declare under penalty of perjury that the foregoing is true and correct.

9/20/05

Date

Anthony Josephson
Reg. No. 45,742

Atlanta

Denver

Los Angeles

Philadelphia



**McKenna Long
& Aldridge^{LLP}**
Attorneys at Law

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ANTHONY J. JOSEPHSON
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EMAIL ADDRESS
ajosephson@mckennalong.com

February 10, 2005

CERTIFIED MAIL NO. 7002 2030 0001 2582 8369
RETURN RECEIPT REQUESTED

Mr. In- Kwon Jeong
10697 Rosewood Road
Cupertino, CA 95014-6028

Re: U.S. Patent Application Serial Nos.: 09/780,713 and 09/828,029
Title: MULTI-CHANNEL TEMPERATURE CONTROL SYSTEM
FOR SEMICONDUCTOR PROCESSING FACILITIES
Our Reference Nos.: 9323.053 and 9323.055

Dear Mr. Jeong:

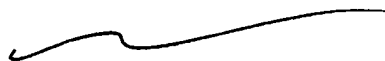
My name is Tony Josephson and I am a patent attorney with McKenna Long & Aldridge LLP in Washington D.C. I am writing you concerning several patent applications that are currently assigned to Oriol, Inc. Our records show that you were properly listed as an inventor on the Oriol applications dealing with chemical mechanical polishing (CMP); however, the information we have also indicates that you were accidentally listed as the inventor for two applications relating to multi-channel temperature control for semiconductor processing. It is our understanding that a Mr. Boris Atlas should have been named as the inventor on these applications.

Since you were accidentally named, we need to make the appropriate corrections. In order to do that, we will need for you to review and sign a very short document entitled "Statement of In-Kwon Jeong Under 37 C.F.R. § 1.48(a)". We would like to file this document with the U.S. Patent and Trademark Office by February 28, 2005. Accordingly, please return the the executed document using the enclosed, Federal Express envelope no later than February 25, 2005.

February 10, 2005
Page 2

If you believe our information regarding the inventorship of these two applications is incorrect, or if you have any other questions, please contact me at 202 496-7583.

Very truly yours,



Tony Josephson

AJJ:led
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 Mr. J. J. King
 10697 Roswood Road
 Cupertino CA 95014

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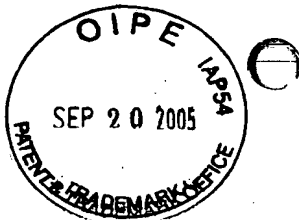
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 City, State, ZIP+4 Cupertino CA 95014

PS Form 3800, June 2002 See Reverse for Instructions



Docket No.: 9323.055(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
In-Kwon Jeong

Confirmation No.: 6430

Application No.: 09/828,029

Art Unit: 3753

Filed: April 6, 2001

Examiner: L.V. Ciric

For: MULTI-CHANNEL TEMPERATURE
CONTROL SYSTEM FOR SEMICONDUCTOR
PROCESSING FACILITIES

Customer No.: 30827

STATEMENT OF INVENTOR UNDER 37 CFR § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, In-Kwon Jeong, state that I have been named as the inventor for the above-captioned application and hereby request that my name be removed as the inventor of record.

The error in inventorship occurred without deceptive intent on my part.

Respectfully submitted,

Dated: _____

By: _____
In-Kwon Jeong

Docket No.: 9323.055(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

In-Kwon Jeong

Confirmation No.: 6430

Application No.: 09/828,029

Art Unit: 3753

Filed: April 6, 2001

Examiner: L.V. Ciric

For: MULTI-CHANNEL TEMPERATURE
CONTROL SYSTEM FOR SEMICONDUCTOR
PROCESSING FACILITIES

Customer No.: 30827

STATEMENT OF INVENTOR UNDER 37 CFR § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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The error in inventorship occurred without deceptive intent on my part.

Respectfully submitted,

Dated: _____

By: _____
In-Kwon Jeong



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MARK R. KRESLOFF
(202) 496-7513



McKenna Long & Aldridge^{LLP}

Attorneys at Law

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mkresloff@mckennalong.com

March 18, 2005

VIA FEDERAL EXPRESS

Mr. In- Kwon Jeong
10697 Rosewood Road
Cupertino, CA 95014-6028

Re: U.S. Patent Application Serial Nos.: 09/780,713 and 09/828,029
Title: MULTI-CHANNEL TEMPERATURE CONTROL SYSTEM
FOR SEMICONDUCTOR PROCESSING FACILITIES -and -
U.S. Patent Application Serial Nos. 11/002,413 and 11/030,323
Title: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS
Our Reference Nos.: 9323.053; 9323.055; 9323.030.10 & 9323.030.020

Dear Mr. Jeong:

Thank you for taking our telephone call earlier today. I understand your concern over signing the enclosed documents. Please let me reassure you that you have done nothing wrong. We are merely trying to correct paperwork associated with a few of the Oriol patent applications that will soon issue as U.S. patents.

Enclosed are two sets of documents. The first set of documents relates to a patent application involving vertical LEDs. The title of the application is *METHOD OF FABRICATING VERTICAL STRUCTURE LED*. It is our understanding that you are correctly listed as one of the inventors for this application. On May 31, 2002, you signed a Declaration relating to this application. I have enclosed a copy for you to review. However, the person who prepared this Declaration accidentally failed to list your citizenship on the document. This is a mistake we cannot correct ourselves. The only way to correct it, is to have you re-sign the document. The Declaration merely confirms that you are one of the inventors and that you have read the corresponding patent application. Just in case, I am including a copy of the application for you to review. If, after you review the application, you agree that you are one of the inventors, please sign and date both of the Declarations that I have enclosed. Please note that there are now two Declarations because the Patent Office required that we break the patent claims (listed at the end of the application), into two separate applications.

The second set of documents relate to two other patent applications which involve multi-channel temperature control for semiconductor processing. We have been told that you were

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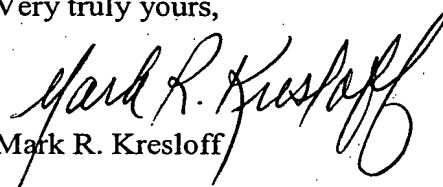
Mr. In-Kwon Jeong
March 18, 2005
Page 2

accidentally named as an inventor on these patent applications. We have been told that the actual inventor is a person named Boris Atlas. Again, let me assure you that you have done absolutely nothing wrong or improper. The mistake was made by the lawyer who originally handled these applications. However, in order to correct this error, we need you to sign a document entitled *STATEMENT OF IN-KWON JEONG UNDER 37 CFR 1.48a*. This document merely explains that the error was not intentional. There are two separate statements, because there are two separate applications. Again, I am enclosing a copy of the applications, so that you can review them and assure yourself that you are not one of the inventors. If, after you review the applications, you agree that you are not an inventor, please sign and date both of the documents entitled *STATEMENT OF IN-KWON JEONG UNDER 37 CFR 1.48a*. However, if you believe you are an inventor, we need for you to contact us as soon as possible.

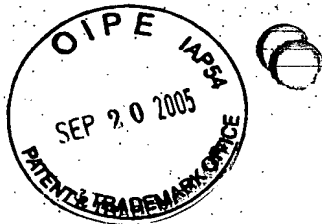
If you sign the enclosed documents, please send them to us as soon as possible, by placing them in the pre-paid, self-addressed return Federal Express envelope. If you have any questions, please feel free to contact me by telephone or email. If you for any reason believe you need to obtain legal advice on this matter, we certainly encourage you to do so. Nevertheless, we would like to hear back from you relatively soon, preferably no later than April 30, 2005.

Thank you for your cooperation.

Very truly yours,


Mark R. Kresloff

MRK:led
Enclosures



Docket No.: 9323.053.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
In-Kwon Jeong

Confirmation No.: 6878

Application No.: 09/780,713

Art Unit: 3753

Filed: February 8, 2001

Examiner: L. V. Ciric

For: MULTI-CHANNEL TEMPERATURE
CONTROL SYSTEM FOR SEMICONDUCTOR
PROCESSING FACILITIES

Customer No.: 30827

STATEMENT OF IN-KWON JEONG UNDER 37 CFR § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, In-Kwon Jeong, state that I have been named as the inventor for the above-captioned application and hereby request that my name be removed as the inventor of record. The error in inventorship occurred without deceptive intent on my part.

Respectfully submitted,

Dated: _____

By: _____
In-Kwon Jeong

Atlanta

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Los Angeles

Philadelphia



McKenna Long & Aldridge^{LLP}

Attorneys at Law

1900 K Street, NW • Washington, DC 20006

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mkresloff@mckennalong.com

April 22, 2005

CERTIFIED MAIL RETURN RECEIPT

Mr. In- Kwon Jeong
10697 Rosewood Road
Cupertino, CA 95014-6028

Re: U.S. Patent Application Nos.: 09/780,713 and 09/828,029
Title: MULTI-CHANNEL TEMPERATURE CONTROL SYSTEM
FOR SEMICONDUCTOR PROCESSING FACILITIES
Our References: 9323.053.00 and 9323.050.00 055
Attorneys: Mark R. Kresloff/ Anthony Josephson

Dear Mr. Jeong:

Further to our letter of March 18, 2005, we have not yet received signed copies of the two statements that were sent to you with that letter. If we do not receive them by May 6, 2005, we plan to proceed with the prosecution of the above-identified patent applications without your assistance, based on the assumption that you refuse to sign the documents.

If you have any questions, please feel free to contact me

Very truly yours,

Mark R. Kresloff

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